

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

THE KAY COMPANY, LLC,
DIANA KILE GREEN,
Individually and Attorney-In-Fact
for the Heirs of Luther E. Kile,
THE H. A. ROBSON TRUST, by
EDWIN N. VINSON,
Beneficiary & Trustee of the
H. A. Robson Trust,
DAVID H. DAUGHERTY,
Trustee of the H. A. Robson Trust, and
MARY BLAIR V. CHAPUISAT,
Beneficiary of the H. A. Robson Trust,
H. DOTSON CATHER,
Trustee of Diana Goff Cather Trusts,
CLYDE EMERSON MCCLUNG,
Individually, and
JAMES E. HAMRIC, III,
Individually,

Plaintiffs,

v.

Case No. 2:06-CV-0612
Honorable Joseph R. Goodwin

EQUITABLE PRODUCTION COMPANY,
a qualified Pennsylvania corporation;
EQUITABLE RESOURCES, INC.,
a Pennsylvania corporation;
STATOIL NORTH AMERICA, INC.,
a Delaware corporation;
STATOIL ENERGY, INC.,
a Virginia corporation;
STATOIL ENERGY HOLDINGS, INC.,
a Delaware corporation; and
AHLAND OIL, INC.,
a Kentucky corporation,

Defendants.

**MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT AGAINST
DEFENDANT EQUITABLE RESOURCES, INC.**

Equitable Resources, Inc. (“Equitable Resources”), Defendant herein, by its counsel, hereby responds to Plaintiffs’ Amended Complaint by filing the instant *Motion to Dismiss Plaintiffs’ Amended Complaint Against Defendant Equitable Resources, Inc.*, and the accompanying *Brief in Support of Motion to Dismiss Defendant Equitable Resources, Inc.*, *Under Federal Rule of Civil Procedure 12(b)(6)*. Plaintiffs have failed to state a claim upon which relief can be granted against Equitable Resources. Equitable Resource’s legal argument and support for dismissal are set forth completely in its accompanying *Brief in Support*.

WHEREFORE, for reasons explained above and set forth more fully in Equitable Resources attached *Brief in Support*, Equitable Resources hereby moves the Court for an Order dismissing Plaintiffs’ Amended Complaint in its entirety as against Equitable Resources; awarding Equitable Resources the reasonable costs of this action, including reasonable attorneys’ fees; and granting Equitable Resources such other and further relief as the Court deems just and proper.

Respectfully Submitted,
EQUITABLE RESOURCES, INC.
By Counsel

LEWIS, GLASSER, CASEY & ROLLINS, PLLC

/s/ Richard L. Gottlieb
Richard L. Gottlieb (W. Va. Bar No. 1447)
/s/ Joseph A. Tarantelli
Joseph A. Tarantelli (W. Va. Bar No. 10115)
Post Office Box 1746
Charleston, WV 25326

/s/W. Thomas McGough, Jr.
Admitted Pro Hac Vice
/s/Natalie Chetlin Moritz
Admitted Pro Hac Vice
REED SMITH
435 6th Avenue
Pittsburgh, Pennsylvania 15219

CERTIFICATE OF SERVICE

I hereby certify that on Monday, April 30, 2007, I electronically filed the foregoing
**“DEFENDANT EQUITABLE RESOURCES, INC.’S MOTION TO DISMISS
PLAINTIFFS’ AMENDED COMPLAINT”** with the Clerk of the Court using the CM/ECF
system which will send notification of such filing to the following:

Marvin W. Masters, Esq.
The Masters Law Firm, LC
Counsel for Plaintiffs

Alexander Macia, Esq.
William M. Herlihy, Esq.
Spilman Thomas & Battle, PLLC
Counsel for Statoil North America, Inc., Statoil Energy, Inc.

And *Statoil Energy Holdings, Inc.*

Thomas W. Pettit, Esq.
Thomas W. Pettit, L.C.
Counsel for Plaintiffs

Marc E. Williams, Esq.
J. David Bolen, Esq.
Huddleston Bolen, LLP
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Michael W. Carey, Esq.
Robert E. Douglas, Esq.
Carey, Scott & Douglas, PLLC
Counsel for Plaintiffs

Scott S. Segal, Esq.
Mark R. Staun, Esq.
The Segal Law Firm
Counsel for Plaintiffs

David J. Romano, Esq.
Romano Law Office
Counsel for Plaintiffs

I further certify that on Monday, April 30, 2007, I also served the foregoing
**“DEFENDANT EQUITABLE RESOURCES, INC.’S MOTION TO DISMISS
PLAINTIFFS’ AMENDED COMPLAINT”** via U. S. Mail to counsel of record not currently
registered with the CM/ECF system at the following address:

George M. Scott, Esq.
Carey, Scott & Douglas, PLLC
PO Box 230
Spencer, WV 25276

/s/ Joseph A. Tarantelli

Joseph A.
Tarantelli (W. Va. Bar No. 10115)

